

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RICHARD THOMAS)
)
Petitioner,)
)
v.) Case No. 4:04CV250 RWS
)
LARRY ROWLEY,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by petitioner Richard Thomas. I referred this matter to United States Magistrate Judge Terry I. Adelman for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On February 28, 2007, Judge Adelman filed his recommendation that petitioner's habeas petition should be denied.

Petitioner did not file any objections to the Report and Recommendation, despite being granted an extension of time to do so. After careful consideration, I will adopt and sustain the thorough reasoning of Magistrate Judge Adelman and will deny petitioner's habeas petition for the reasons stated in the Report and Recommendation dated February 28, 2007.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the

denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing in this case, I will not issue a certificate of appealability.

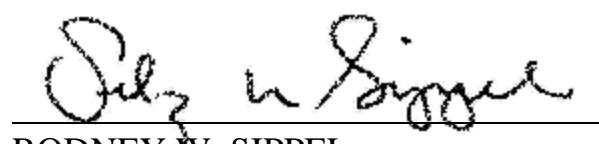
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on February 28, 2007 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Richard Thomas' Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 30th day of March, 2007.